

REMARKS

I. GENERAL REMARKS

- Claims 1-3, 6-17, 19-25, 27, and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sorokine et al., U.S. Patent No. 6,430,414 (hereinafter *Sorokine*).
- Claims 4, 5, 18, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sorokine* in view of Raith, U.S. Patent No. 6,711,408 (hereinafter *Raith*).

II. OVERCOMING THE 35 U.S.C. § 102 REJECTIONS

Claims 1-3, 6-17, 19-25, 27, and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Sorokine*. To anticipate a claim, the cited reference must teach every limitation of the claim. MPEP § 2131. The rejections of claims 1-3, 6-17, 19-25, and 28 should be withdrawn because *Sorokine* fails to teach every limitation of the claims.

A. Independent Claims

Independent claim 1 recites “calculating a respective probability of future access by a mobile device,” and claim 16 recites “calculating a probability of future access by a mobile device.” Claim 25 recites “determining probabilities of future access by said mobile devices.” The Examiner asserts that *Sorokine* discloses these limitations at column 7, lines 15-18. *See* Current Action, at p. 3. The cited portion of *Sorokine* states that “[t]he outer power control loop estimates a setpoint value based on Eb/Nt to achieve a target frame error rate (“FER”) on each assigned forward traffic channel.” *Sorokine*, col. 7, lines 15-18. *Sorokine*’s determination of FER clearly does not satisfy calculating a probability of future access by a mobile device. Rather, the cited portion of *Sorokine* relates to the parameters that control signal transmission strength between a mobile station and a base station. Eb/Nt, as one of ordinary skill in the art is well aware, refers to the ratio of energy per bit to the noise power spectral density at the receiver base station. This ratio, as noted by *Sorokine*, is used to determine a set point value that allows the base station to determine appropriate transmit levels for forward traffic channels. *Sorokine*, col. 7, lines 15-22. Estimating a set point and

calculating forward transmit levels is not “calculating a respective probability of future access by a mobile device.”

Claim 1 also recites “routing measurement data for collection to respective ones of said multiple nodes utilizing said calculating probabilities;” claim 16 also recites “means for routing measurement data within said sensor net in response to said means for calculating and said means for receiving;” and claim 25 also recites “routing measurement data utilizing said distributed information related to said determined probabilities.” The Examiner asserts that these limitations are taught by *Sorokine*, column 7, lines 20-22. *See* Current Action, at p. 3. However, at the Examiner’s citation, *Sorokine* merely describes “[t]he differences between these set points helps the BS derive the appropriate transmit levels for the forward traffic channels that do not have inner loops.” *Sorokine* discloses neither “routing measurement data... utilizing said calculated probabilities,” “routing measurement data... in response to said means for calculating and said means for receiving,” nor “routing measurement data utilizing said distributed information related to said determined probabilities.” The cited portions of *Sorokine* merely disclose that mobile stations send a set point to base stations to help the base station derive appropriate transmit levels. *Sorokine*, col. 7, lines 20-22. Even if a set point were construed as measurement data (which it should not, given that the Examiner has already described the set point as a probability of future access), *Sorokine* does not route measurement data “utilizing said calculated probabilities,” “in response to said means for calculating and said means for receiving,” or “utilizing said distributed information related to said determined probabilities,” as set forth in the claims. Therefore, Applicant respectfully requests that the rejections of claims 1, 16, and 25 be withdrawn.

Additionally, claim 16 recites “recording attempts to access measurement data by mobile devices.” The rejection of record fails to point out where in *Sorokine* the Examiner believes this limitation is disclosed. In fact, *Sorokine* fails to disclose a sensor device with means for recording attempts to access measurement data by mobile devices. For at least the reasons stated in this section, *Sorokine* fails to teach every limitation of claims 1, 16, and 25.

B. The Dependent Claims

Dependent claims 2, 3, and 6-15 depend from independent claim 1; claims 17 and 19-24 depend from claim 16; and claims 26 and 27 depend from claim 25. Each of these claims

inherit every limitation of the independent claims from which they depend. As shown above, *Sorokine* fails to disclose every limitation of independent claims 1, 16, and 25. It follows that dependent claims 2, 3, 6-15, 17, 19-24, and 25-26 are not anticipated by *Sorokine* at least because of their dependence from claims 1, 16, and 25.

III. OVERCOMING THE 35 U.S.C. § 103 REJECTIONS

Claims 4, 5, 18, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sorokine* in view of *Raith*. In rejecting claims under 35 U.S.C. § 103(a), the Examiner bears the burden of establishing a *prima facie* case of obviousness. *In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1272, 1741 (2007). The burden of coming forward with evidence or argument shifts to the applicant only if the Examiner satisfies this burden. Thus, the Examiner must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the Examiner's conclusion. Without conceding that the Examiner has sufficiently explained her reasoning, Applicant asserts that the rejections of record fail at least because the Examiner has failed to make the requisite findings.

Each of these claims inherit every limitation of the independent claims from which they depend. As shown, *Sorokine* fails to disclose every limitation of claims 1, 16, and 25. The Examiner does not rely on *Raith* as disclosing the limitations in claims 1, 16, and 25 that are not disclosed by *Sorokine*. It follows that the combination of *Sorokine* and *Raith* fails to disclose at least those limitations of claims 4, 5, 18, and 26 that are inherited from their respective parent claims. For at least this reason, the rejections of claims 4, 5, 18, and 26 should be withdrawn.

IV. CONCLUSION

In view of the above, Applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due,

please charge Deposit Account No. 50-1078, under Order No. 10040054-1 from which the undersigned is authorized to draw.

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the U. S. Patent and Trademark Office electronic filing system in accordance with § 1.6(a)(4).

By:

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